

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7059 OF 2006

Balasaheb Dagadu Mali

...Petitioner

VS.

Tanaji Bhagwan Patil & Anr.

...Respondents

Mr.S.G.Deshmukh for the Petitioner

Mr.Umesh Mankapure for the Respondents.

CORAM: A.S.OKA, J.

DATE : JUNE 26, 2007.

P.C.:

1. Heard Advocates for the parties. According to the case of the Petitioner, the suit filed by him in the trial court has been dismissed for non payment of the court fees. It is for the petitioner to take out appropriate application before the trial court for restoration of the suit by making out a ground for restoration. In view of this position, writ petition under Article 227 of the Constitution of India is not entertained.

2. Subject to what is stated above the writ petition is rejected by keeping the remedy of the petitioner of making an application for restoration before the trial court. If such application is made by the petitioner, the trial court is bound to take a note of the fact that the present Writ Petition has been filed in this Court in October 2006 and the same remained pending till today. All the contentions of the parties are kept open.

JUDGE